

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
2004 JUN 10 A 11:03

PAN AMERICAN AIRWAYS CORP., )

Plaintiff/Counter-Defendant )

v. )

ROBERT E. BARNES )

Defendant/Counter-Plaintiff )

Case No. 04-CV-10515JLT

**MOTION IN OPPOSITION TO PLAINTIFF/COUNTER-DEFENDANT'S MOTION TO  
DISMISS COUNT IV OF DEFENDANT/COUNTER-PLAINTIFF'S COUNTERCLAIM  
AND TO COMPEL PLAINTIFF/COUNTER-DEFENDANT TO ANSWER COUNT IV  
OF DEFENDANT/COUNTER-PLAINTIFF'S COUNTERCLAIM.**

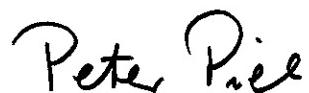
NOW COMES Defendant/Counter-Plaintiff, Robert E. Barnes, by and through his attorney, and hereby moves this Court, pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7.1, to dismiss Plaintiff/Counter-Defendant's motion to dismiss Count IV of Defendant/Counter-Plaintiff's counterclaim and to compel Plaintiff/Counter-Defendant to answer Count IV of Defendant/Counter-Plaintiff's counterclaim.

This motion is supported by Defendant/Counter-Plaintiff's Memorandum of Law and Defendant/Counter-Plaintiff's Affidavit.

Pursuant to Local Rule 7.1(A)(2), counsel hereby certifies that he and counsel for the Plaintiff/Counter-Defendant have conferred and attempted in good faith to resolve or narrow the issue.

Respectfully submitted,

Dated: June 10, 2004



---

Peter Piel  
Law Office of Peter Piel  
800 Turnpike Street, Suite 300  
North Andover, MA 01845  
978-794-5513  
BBO # 639070